IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.53245-M of 2006
Date of Decision:- 05.03.2007

Kulwant Singh ....Petitioner(s)

through
Mr.Krishan Singh, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is a convict under the N.D.P.S.Act, is aggrieved at the order dated June 16, 2006 (Annexure P-1) whereby parole for agricultural operations has been denied to him on the ground that he may again indulge in smuggling of poppy husk.

It appears from the copy of the Jamabandi for the year 2001-2002 of village Kheri Dhabban, District Kaithal, that the petitioner is owner in possession of some agricultural land. If that is so, his case falls within the ambit of Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

It is also stated on behalf of the petitioner that no other such like case is pending or registered against him.

If the stand taken by the petitioner is factually correct, the apprehension expressed by the respondents in the impugned order appears to have no factual basis.

That apart, several remedial measures can be taken by the Authorities,namely, by directing the petitioner not only to furnish his own

heavy personal bonds, but also to bring two sureties who should be respectable persons of the village. In addition, he can also be directed to report to the police station concerned intermittently.

For the reasons afore-stated, the impugned order dated 16.6.2006 is set aside and the Director General of Prisons, Haryana is directed to re-consider the petitioner's case in accordance with law and pass appropriate orders within a period of two months from the date of receipt of certified copy of this order.

March 05, 2007 **(SURYA KANT)**
poonam **JUDGE**